

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 109

MEMBERS PRESENT:

Sen. Neil Bryant, Chair
Sen. Randy Miller, Vice-Chair
Sen. Ken Baker
Sen. Jeannette Hamby
Sen. Peter Sorenson
Sen. Dick Springer
Sen. Shirley Stull

STAFF PRESENT:

M. Max Williams II, Committee Counsel
Julie Clemente, Committee Assistant

MEASURES HEARD: Public Hearing & Work Session SB 1105
Public Hearing SB 1025 SB 462
SB 1123
SB 1121
SB 957
SB 1133

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , SIDE A

003 CHAIR BRYANT: Calls meeting to order.

OPENS PUBLIC HEARING ON SB 1025

Witnesses: Sen. Greg Walden, Senate District #28
Bob Meinen, State Historic Preservation Officer
Bensell Breon, Confederated Tribes of Siletz
Jeff Van Pell, Confederated Tribes of Umatilla Indian Reservation

018 SEN. GREG WALDEN, Senate District #28: Introduced bill at the request
of Hood River County. Presents testimony from Kenneth Galloway, Jr.,
County Forest/ Park Manager, Hood River County. [EXHIBIT D]

CHAIR BRYANT: Do you know if there is any funding available for this
project?

WALDEN: I don't believe so. Continues.

CLOSES PUBLIC HEARING ON SB 1025

OPENS PUBLIC HEARING ON SB 1105

Witnesses: Senator Gordon Smith, President of the Senate
Senator Mae Yih, Senate District #19
Gerry Anderson, President, Friends of Adoption, Corvallis
James Wheeler, Oregon Council of Adoption Agencies
Betty Uchztil, CSD
Jennifer Ball, Holt International Children's Service
Karan L. Price
Sherry Steele, Boys & Girls Aid Society of Oregon

050 GORDON SMITH, President of the Senate: Testifies in support of SB 1125
and offers SB 1125-1 amendments. [EXHIBITS A & B]

063 SEN. MAE YIH, Representing Senate District #19: Testifies in support of
SB 1125. Introduces Gerry Anderson and gives background. [EXHIBIT E]

GERRY ANDERSON, President, Friends of Adoption, Corvallis, OR: Testifies
in support of SB 1105. [EXHIBIT C]

130 ANDERSON: Continues.

204 What SB 1105 would do is say that once a person says no, it would be
entered on the registry. Continues.

205 CHAIR BRYANT: What is the fee for doing a search and how is it paid?

ANDERSON: \$400 paid by the person requesting the search.

226 KARAN L. PRICE: Testifies in support of SB 1105. [EXHIBIT F]

271 BETTY UCHYTIL, Assistant Administrator, Program and Policy, Children's
Services Division on behalf of Kay D. Toran, Assistant Director: Testifies

in support of SB 1105 and offers proposed amendments. [EXHIBIT G]

322 JAMES WHEELER, Director, Columbia Counseling, Inc., and Chairman of the Oregon Council of Adoption Agencies: Testifies in support of SB 1105 and offers proposed amendments. [EXHIBIT H]

378 SEN. BAKER: Where else in the bill do we specify who cannot do this function?

WHEELER: Just specify searches are done only by CSD and licensed Oregon adoption agencies.

389 SEN. HAMBY: Speaks to a genetic disorder and what if someone wanted to search specifically for that reason. Should that information be known to the individual in question?

ANDERSON: Could it not be known without giving available person information?

SEN. HAMBY/ANDERSON: Discussion.

444 WHEELER: Reminded of situations where those kinds of searches have occurred. Explains.

452 SEN. BAKER: Isn't there another statute that also allows the court to intervene?

456 CHAIR BRYANT: There is general understanding and agreement about the barrier. Continues.

TAPE 108, SIDE A

030 JENNIFER BALL, Holt International Children's Services: Testifies in support of SB 1105; also in support of the Oregon Council of Adoptions (Wheeler) amendments. [EXHIBIT H]

070 SHERRY STEELE, The Boys and Girls Aid Society of Oregon: Presents testimony of Susan M. Bowers, Senior Adoption Clinician, Boys and Girls Aid

Society of Oregon. [EXHIBIT J] Would support the bill with changes just described.

CLOSES PUBLIC HEARING ON SB 1105

CHAIR BRYANT: Asks those that testified to meet with Mr. Williams to put together some conceptual amendments.

OPENS PUBLIC HEARING ON SB 1123

Witnesses: Representative Kate Brown, Representing HD #13
Bob Meinen, State Historic Preservation Officer, Oregon State Parks
Bensel Breon, Confederated Tribes of Siletz

103 REP. KATE BROWN, Representing HD #13: Testifies in support of SB 's 1121, 1123, 1133.

130 Make legislative recommendations for changes in State policy and report findings to legislative assembly. Continues.

CLOSES PUBLIC HEARING ON SB 1123

REOPENS PUBLIC HEARING ON SB 1025

175 BOB MEINEN, State Historic Preservation Officer, Oregon Parks and Recreation Department. Presents written testimony of James M. Hamrick, Deputy State Historic Preservation Officer, Oregon Parks & Recreation Department: [EXHIBIT K] Testifies in support of SB 1025.

260 CHAIR BRYANT/MEINEN: Discussion

281 CHAIR BRYANT: Your rules just went into effect in January. Have you had any experience under the rules?

MEINEN: Very limited experience. Explains.

290 SEN. BAKER: Participated on committee that made the amendments. Continues.

MEINEN: This is a coordinated effort. Explains.

308 JEFF VAN PELL, Confederated Tribes of Umatilla Indian Reservation: Testifies in opposition to SB 1025. Explains reasons for incorporating the

provisions of law regarding private lands into the bill.

- Tribe keeps own inventory of archaeological sites in the 6.4 million acres in SE Washington and Eastern Oregon.
- Private permit process allows the tribe to get involved.

360 There is a liability in not working with the tribes. Trying to create a system to work cooperatively with private land owners to identify sites that concern the tribes.

388 CHAIR BRYANT: Your council is generally willing to invest the money to do the inventory?

VAN PELL: Position I can't formally address. Explains.

429 Want to address on a case-by-case basis. Continues.

448 BENSELL BREON, Confederated Tribes of Siletz: Testifies in opposition to SB 1025. Suggests a fee for an archaeological survey prior to building.

Continues.

TAPE 107, SIDE B

047 BREON: Have been working with SB 61 trying to work out differences in these areas. Continues.

CHAIR BRYANT: Understood that federal law only dealt with federal lands?

VAN PELL: Anytime federal dollars are tied to a county, state or private project, federal requirements have to be dealt with. Explains.

CHAIR BRYANT: If it is private land with purely private money doing a development, the federal act wouldn't apply?

VAN PELL: No.

CLOSES PUBLIC HEARING ON SB 1025

OPENS PUBLIC HEARING ON SB 1121

Witnesses: Ward Armstrong, Executive Director, Oregon Forest Industries Council

Jay Minthorn, The Confederated Tribes of the Umatilla Indian Reservation
Jeff Van Pell, The Confederated Tribes of the Umatilla Indian Reservation
Bensell Breon, Confederated Tribes of Siletz
Peter D. Shepherd, Assistant Attorney General, Oregon Department of

Justice

Louie Pitt, Jr., Director, Governmental Affairs & Planning, The
of the Warm Springs Reservation of Oregon

Confederated Tribes

073 WARD ARMSTRONG, Executive Director, Oregon Forest Industries Council:
Testifies in support of SB 1121 and proposes SB 1121-1 amendments.
[EXHIBITS L & M]

118 CHAIR BRYANT: What does it cost to do an inventory?

ARMSTRONG: No idea. Explains

131 JAY MINTHORN, The Confederated Tribes of the Umatilla Indian
Reservation: Testifies in support of SB 1121 and offers proposed
amendment. [EXHIBIT N]

186 Continues.

218 Suggested amendment would exempt the Indian tribes. Explains.

245 BENSELL BREON, Tribal Council Member, Confederated Tribes of Siletz:
Testifies in support of SB 1121. Asking for equal treatment. Increase
penalties to stop robbing Indian gravesites.

266 CHAIR BRYANT: Cost of doing an inventory?

JEFF VAN PELL, Confederated Tribes of Umatilla Indian Reservation:
Projected cost can go anywhere from \$6 to \$10 per acre. Explains.

312 SEN. BAKER: Speaks of Forest Industries changes. What is your feeling
about that?

VAN PELL: Sensitive to his concerns. Feel that a solution can be found.

Continues.

348 PETER D. SHEPHERD, Assistant Attorney General, Oregon Department of
Justice: Speaks to one very narrow part of the bill; Section 3. Provision
adds to current law the addition of a civil penalty not to exceed \$10,000.

As currently drafted - appears this penalty is intended to work only if
there is a prior criminal conviction.

- Offers solution. The court that presided over the criminal matter
should impose the civil penalty rather than the Department of Justice.
Explains.

388 LOUIS PITT, Jr., Director, Governmental Affairs & Planning, The
Confederated Tribes of the Warm Springs Reservation of Oregon: Spirit of
SB 1121 is something tribe would support. Does not have official council
endorsement. Letter of endorsement coming in future.

431 Continues. Speaks of continued cooperation among the tribes and
various state departments. Louis Pitt, private person is very much in
support of SB 1121 at this time.

466 CHAIR BRYANT: Please submit a letter and it will be put with the
record.

CLOSES PUBLIC HEARING ON SB 1121

OPENS PUBLIC HEARING ON SB 1123

TAPE 108, SIDE B

Witnesses: Bob Meinen, State Historic Preservation Officer, Oregon State
Parks and Recreation Department
Bensell Breon, Confederated Tribes of Siletz

049 BOB MEINEN, State Historic Preservation Officer, Oregon State Parks and
Recreation Department. Submits written testimony of James M. Hamrick,
Deputy State Historic Preservation Officer, Oregon State Parks and
Recreation Department. [EXHIBIT O]

- Asks that a consideration be made about what fiscal impact would be made on their agency.

071 CHAIR BRYANT: How many land owners might apply for this type of special assessment?

MEINEN: Had difficulty is making an estimate. Explains.

083 BENSELL BREON, Confederated Tribes of Siletz: Testifies in support of SB 1123. Speaks of tribe's concern over destruction of cultural resources.

CLOSES PUBLIC HEARING ON SB 1123

OPENS WORK SESSION ON SB 1105

101 BALL: Speaks of conceptual amendments. [EXHIBIT V]

151 Gerry Anderson spoke with Senator Smith who also agrees to amendments.

MOTION: CHAIR BRYANT: Moves to ADOPT the SB 1105 conceptual amendments discussed by Ms. Ball and listed in Exhibit V.

VOTE: CHAIR BRYANT: Hearing no objection the amendments are ADOPTED. All members are present. SENATOR MILLER IS EXCUSED.

MOTION: SEN. HAMBY: Moves that SB 1105, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: CHAIR BRYANT: Hearing no objection, the motion CARRIES. members are present. SENATOR MILLER IS EXCUSED.

SEN. YIH will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 1105

170 OPENS PUBLIC HEARING ON SB 1133

CHAIR BRYANT: Senator Baker has agreed to help with a work group on the four bills, 1133, 1123, 1025 and 1105.

SEN. HAMBY ASSUMES CHAIR

Witnesses: Bob Meinen, State Historic Preservation Officer, Oregon State Parks and Recreation Department
Jay Minthorn, The Confederated Tribes of the Umatilla Indian Reservation

180 BOB MEINEN, State Historic Preservation Officer, Oregon State Parks and Recreation Department: Testifies in support of SB 1133 and presents written testimony of James M. Hamrick, Deputy State Historic Preservation Officer, Oregon State Parks and Recreation Department. [EXHIBIT P]

244 JEFF VAN PELL, The Confederated Tribes of the Umatilla Indian Reservation: Testifies in support of SB 1133. Task force is needed to address issues that have been discussed today.

249 SEN. BAKER: Going to put together a work group early Friday morning to discuss the four bills discussed here today.

257 SEN. SPRINGER: Would like to participate.

MAX WILLIAMS: Recommends participants call his office for details.

CLOSES PUBLIC HEARING ON SB 1133

OPENS PUBLIC HEARING ON SB 957

Witnesses: Elizabeth Bailey, Associated Oregon Industries
Cathy Chase, Oregon State Bar, Procedure & Practice Committee
Pete Shepherd, Attorney in Charge, Financial Fraud Section, Oregon Department of Justice

304 ELIZABETH BAILEY, Associated Oregon Industries: Testifies in support of SB 957. [EXHIBIT Q]

319 CATHY CHASE, Oregon State Bar, Procedure & Practice Committee: Testifies in opposition to SB 957. [EXHIBIT R]

353 This bill does not show those type of abuses as it is limited to 10. Continues.

395 PETER D. SHEPHERD, Attorney in Charge, Financial Fraud Section, Oregon Department of Justice: Testifies in support of SB 957.

CLOSES PUBLIC HEARING ON SB 957

OPENS PUBLIC HEARING ON SB 462

Witnesses: Senator Ron Cease, Representing Senate District #10
Eileen Rasmussen, Providers Across Oregon
Sue Kramer, Providers Across Oregon

442 SEN. SPRINGER: Makes introductory comments and gives background.

TAPE 109, SIDE A

046 SEN. SPRINGER: Offers proposed amendments SB 462-A4. [EXHIBIT S]

055 SEN. RON CEASE, Representing Senate District # 10: Testifies in support of SB 462. [EXHIBIT U]

Home owner needs to be informed. If they want day care insurance, need to pursue ways to obtain.

116 SEN. SORENSON: Trying to follow. With SB 462A, were the senate amendments adopted on April 6th?

EILEEN RASMUSSEN, Providers Across Oregon: Yes they were.

SEN. SORENSON: SB 462-A-4. What is your view of these amendments?

RASMUSSEN: Offers her explanation of the amendments.
- Supports the amendments.

SEN. SPRINGER: Correctly stated my intent. Distinction between the family and the certified day-care provider. My concern is that a person who provides family day care would not be excluded from coverage unknowingly.

Explains.

163 CEASE: Seems real confusion is that a homeowners policy will not cover that.

181 CHAIR BRYANT: You take money, suddenly it becomes commercial.
Explains.

CHAIR BRYANT/CEASE: Discussion.

211 RASMUSSEN: In 1993 law passed that all providers must be registered.
Explains.

220 CHAIR BRYANT: Are we using the correct name?

SUE KRAMER, Providers Across Oregon: It is family child care. Continues.

CHAIR BRYANT: This will cover everyone?

239 SEN. SORENSON: Adoption of this amendment and the engrossed bill settle the issue and protect the public and also protect the day-care provider?

KRAMER: Does not take away the main body of the bill. Explains.

CEASE: Not sure it will satisfy the insurance companies. Explains.

RASMUSSEN: Thinks it is a poor bill with amendment Sen. Cease is suggesting.

CEASE: Continues with amendment regarding insurance companies' concerns.

277 RASMUSSEN: Refers to page 2 of testimony, number 7. [EXHIBIT T]

286 CHAIR BRYANT: How does this bill as amended with the 4A compare with what we passed in '93?

CEASE/KRAMER: This bill adds more protection to the insurance industry.
Continues.

297 RASMUSSEN: Reads language. .

306 SEN. STULL: Some insurance companies preclude some activities that are not covered.

RASMUSSEN: That is correct. Refers to her written testimony. [EXHIBIT T]

SEN. STULL: Up to the homeowner to locate a company?

RASMUSSEN: That is correct.

KRAMER: Have seen providers with coverage on home from one company, provider insurance from another. Company providing the homeowners insurance is still canceling. Continues.

CLOSES PUBLIC HEARING ON SB 462
OPENS WORK SESSION ON SB 462

MOTION: SEN. HAMBY: Moves to ADOPT the SB 462A-4 amendments
additional changes on lines 3, 4 & 13. Delete the word "day" and insert "child."

VOTE: CHAIR BRYANT: Hearing no objection the amendments are
members are present. SENATOR MILLER IS EXCUSED.

MOTION: SEN. HAMBY: Moves that SB 462, AS AMENDED, be
with a DO PASS recommendation.

349 SEN. STULL: Theory is great but concerned about some details.
Explains.

CHAIR BRYANT: One possibility might be to contact the insurance companies to send something out with the renewal policies asking if the homeowners are providing child care. Continues.

SEN. STULL/CHAIR BRYANT: Discussion: Will have Mr. Williams check with DIFF and the insurance lobby to see what can be done.

419 members are present. SENATOR MILLER IS

VOTE: CHAIR BRYANT: Hearing no objection the motion EXCUSED.

SENATOR CEASE will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 462

Adjourns meeting at 5:30.

Submitted by:

Reviewed by:

Julie Clemente
Committee Assistant

M. Max Williams II
Committee Administrator/Counsel

EXHIBIT LOG:

A - Proposed Amendments SB 1105 -- Sen. Smith -- 1 page
B - Various letters in support of SB 1105 -- Sen. Smith -- 11 pages
C - Testimony SB 1105 -- Gerry Anderson -- 4 pages
D - Testimony SB 1025 -- Kenneth Galloway, Jr. presented by Greg Waldon -- 1

page

E - Testimony SB 1105 -- Sen. May Yih -- 2 pages
F - Testimony SB 1105 -- Karan L. Price -- 1 page
G - Testimony SB 1105 -- Betty Uchytel -- 2 pages
H - Testimony SB 1105 -- James Wheeler -- 1 page
I - Testimony SB 1105 -- Jennifer Ball -- 1 page
J - Testimony SB 1105 -- Susan M. Bowers -- 1 page
K - Testimony SB 1025 -- James M. Hanrick, presented by Bob Meinen -- 14

pages

L - Testimony SB 1121 -- Ward Armstrong -- 1 page
M - Proposed Amendments SB 1121 -- Ward Armstrong -- 3 pages
N - Testimony SB 1121 -- Jay Minthorn -- 4 pages
O - Testimony SB 1123 -- James M. Hanrick, presented by Bob Meinen -- 1 page
P - Testimony SB 1133, James M. Hanrick, presented by Bob Meinen -- 1 page
Q - Testimony SB 957 -- Elizabeth Bailey -- 1 page
R - Testimony SB 957 -- Cathy Chase -- 2 pages
S - Proposed Amendments SB 462 -- Sen. Dick Springer -- 1 page
T - Testimony SB 462 -- Eileen Rasmussen -- 11 pages
U - Testimony SB 462 -- Sen. Ron Cease -- 2 pages
V - Conceptual Amendments SB 1105 -- Jennifer Ball -- 1 page